

REMARKS/ARGUMENTS

Claims 10-16, 19-21, and 25-26 are pending in this application. Claim 11 has been cancelled as it has been incorporated into claim 10. Claim 21 was rejected under 35 U.S.C. § 112 second paragraph as being indefinite and has been amended to overcome this rejection. Claims 10-16 and 19-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lebsack (U.S. Patent No. 5,813,907). Claim 16 is objected to as being dependent on a rejected base claim but if rewritten in independent form including all the limitations of the base claim and any intervening claims would be considered allowable by the Examiner.

New claim 25 has been added and incorporates the limitations of claim 16 rewritten in independent form including all the limitations of the base claim and intervening claims. Consequently, claim 25 is considered allowable subject matter.

Claims 10-15, and 19-21 were rejected 35 U.S.C. § 102(b) as being anticipated by Lebsack. Anticipation "requires that the same invention, including each element and limitation of the claims, was known or used by others before it was invented by the patentee." Hoover Group, Inc. v. Custom Metalcraft, Inc., 66 F.3d 299, 302, 36 U.S.P.Q.2d 1101, 1103 (Fed. Cir. 1995). "[P]rior knowledge by others requires that all of the elements and limitations of the claimed subject matter must be expressly or inherently described in a single prior art reference." Elan Pharms., Inc. v. Mayo Foundation for Medical Educ. & Research, 304 F.2d 1221, 1227, 64 U.S.P.Q.2d 1292 (Fed. Cir. 2002) (citing *In re Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1950 (Fed. Cir. 1999); Constant v.

Advanced Micro-Devices, Inc., 848 F.2d 1560, 1571 7 U.S.P.Q.2d 1057, 1064 (Fed. Cir. 1988)). "The single reference must describe and enable the claimed invention, including all claim limitations, with sufficient clarity and detail to establish that the subject matter already existed in the prior art and that its existence was recognized by persons of ordinary skill in the field of the invention." Id. (citing Crown Operations Int'l, Ltd. v. Solutia Inc., 289 F.3d 1367, 1375, 62 U.S.P.Q.2d 1917, 1921 (Fed. Cir. 2002); In re Spada, 911 F.2d 705, 708 15 U.S.P.Q.2d 1655, 1657 (Fed. Cir. 1990)). See also PPG Indus., Inc. v. Guardian Indus. Corp., 75 F.3d 1558, 1566, 37 U.S.P.Q.2d 1618, 1624 (Fed. Cir. 1996) (emphasis added).

Independent claim 10 of the application requires in part "means on the machine for rotating the casing hopper away from the casing filling station about a vertical axis when natural casings are placed on a stuffing tube in the casing filling station." Support for this limitation is found in the specification that states "When it is desired to change the machine 10 from filling conventional shirred casings to the filling of natural casings, the lock pin 62 is released and the hopper 46 is rotated about pin 61 from the forward position of Fig. 2B to the inoperative position of Fig. 2A so that it is out of the way for the process of filling natural casings." (Page 8, lines 28-34). In contrast, the Lebsack device has "cradle 80 and cradle arms 78 and 79 [that] are pivoted upwardly and downwardly on the axis of rod 70" thus pivoting the casing hopper away from the casing filling station about a horizontal axis. (See Lesback Col. 3 lines 6-7). Consequently, the Lebsack disclosure does not have a means on the machine for rotating the casing hopper away from the casing filling station about a vertical axis, as is

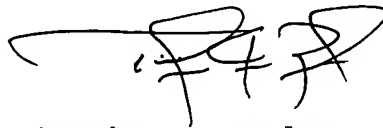
required by claim 10. Therefore, the anticipation rejection must be withdrawn.

New claim 26 is similar to claim 10 and further requires "a vertical pin rotatably connected to the casing hopper for rotating the casing hopper about a vertical axis away from its position adjacent the casing filling station." The Lebsack application does not provide a vertical pin for rotating the hopper about a vertical axis away from the filling station and thus each and every limitation of the new claim 26 is not present and therefore claim 26 is considered in allowable form.

CONCLUSION

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200. All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



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